

**SUPREME COURT MINUTES  
WEDNESDAY, MAY 19, 2004  
SAN FRANCISCO, CALIFORNIA**

**S123713**D042600 Fourth Appellate District,  
Division One

EBBERT v. S.C. (CITY OF SAN DIEGO)

Petition for review granted

Request for judicial notice granted.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Brown, JJ.**S123766**B150991 Second Appellate District,  
Division Two

SCOTTSDALE INS v. MV TRANSPORTATION

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Brown,  
and Moreno, JJ.**S123790**B160209 Second Appellate District,  
Division Seven

PEOPLE v. SEIJAS

Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.**S124188**

F043009 Fifth Appellate District

ATWATER ELEMENTARY v. DEPARTMENT OF  
GENERAL SERVICES (TRUITT)

Petition for review granted

Votes: George, C.J., Kennard, Werdegar, Chin,  
and Brown, JJ.**S124003**A098872 First Appellate District,  
Division Four

PEOPLE v. GARCIA

Issues ordered limited

In the above-entitled matter, the issues to be  
briefed and argued are limited to issues I  
through VI set forth in defendant-appellant's  
petition for review.**S123583**

F042866 Fifth Appellate District

WINBERG v. SALOMON SMITH BARNEY

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending  
consideration and disposition of a related issue

in *Jevne v. Superior Court*, S121532 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J. and Baxter, J., were recused and did not participate.

Votes: Chin, A.C.J., Kennard, Werdegarr, Brown, and Moreno, JJ.

**S122653**

PERRINE ON DISCIPLINE  
Petition for writ of review denied

Application for stay and petition for writ of review denied.

**S122842**

B159884 Second Appellate District,  
Division Seven

KUNKLER (EDGAR) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S123268**

B173219 Second Appellate District,  
Division Five

BASUA (MARTIN) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S123277**

E035377 Fourth Appellate District,  
Division Two

D'AGOSTIN (HARRY) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S123326**

G031934 Fourth Appellate District,  
Division Three

LONGWAY v. AUTONATION  
Petition for review denied

**S123347**

A105678 First Appellate District,  
Division One

FERGUSON (TODD) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S123362**

B163710 Second Appellate District,  
Division Eight

LOS ANGELES PROFESSIONAL PEACE OFFICERS  
ASSOC. v. COUNTY OF LOS ANGELES  
Petition for review denied

**S123365**

B168348 Second Appellate District,  
Division Four

DAVIS v. LOS ANGELES, COUNTY OF  
Petition for review denied

**S123389**

B154230 Second Appellate District,  
B158474 Division One

AVNER v. LAI  
Petition for review denied

Kennard, J., and Chin, J., were recused and did  
not participate.

**S123502**

E033737 Fourth Appellate District,  
Division Two

PEOPLE v. HENDERSON  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S123527**

A098589 First Appellate District,  
A100064 Division Five

KOCKOS v. GARDNER  
Petition for review denied

**S123596**

B157674 Second Appellate District,  
Division Two

PEOPLE v. CONNOR  
Petition for review denied

**S123645**

D041026 Fourth Appellate District,  
Division One

STODDART, ESTATE OF  
Petition for review denied

Request for judicial notice granted.

**S123671**

D039491 Fourth Appellate District,  
D042372 Division One

PEOPLE v. ARIAS  
Petition for review denied

**S123679**

A105343 First Appellate District,  
Division Five

IBARRA (SABINO) ON H.C.  
Petition for review denied

**S123728**

G030438 Fourth Appellate District,  
Division Three

## PEOPLE v. FUENTES

Petition for review denied; CA opinion decertified

The request for an order directing depublication of the opinion is granted.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed April 26, 2004, which appears at 116 Cal.App.4th 226. (Cal. Const., art. VI, § 14; rule 976, Cal. Rules of Court.)

**S123735**

F044831 Fifth Appellate District

## ALLEN (HERBERT) ON H.C.

Petition for review denied

**S123743**

B167158 Second Appellate District,  
Division Seven

## CARLEO v. DU

Petition for review denied

**S123744**

H023549 Sixth Appellate District

## SARATOGA v. HINZ

Petition for review denied

**S123763**

C042234 Third Appellate District

## PEOPLE v. AMADOR

Petition for review denied

**S123803**

G030203 Fourth Appellate District,  
Division Three

## PEOPLE v. PHILLIPS

Petition for review denied

**S123844**

C043851 Third Appellate District

## SHOEMAKE v. PLACER CNTY OFFICE OF EDUC

Petition for review

**S123849**

A099237 First Appellate District,  
Division One

## PEOPLE v. ANNIN

Review on court's own motion & depublication request denied.

The request for an order directing further publication of the opinion is denied.

**S123852**

C041796 Third Appellate District

## HANSHAW v. LONG VALLEY ROAD ASSOC.

Petition for review denied

**S123854**

H027213 Sixth Appellate District

DRUMMOND v. S.C. (TIMMERMAN ET AL)

Petition for review denied

**S123862**D035500 Fourth Appellate District,  
Division One

PEOPLE v. SMITH

Petitions for review denied

**S123897**

F041921 Fifth Appellate District

PEOPLE v. WYRICK

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S123899**G033754 Fourth Appellate District,  
Division Three

DOLLAR TREE STORES v. S.C. (EDMISTEN)

Petition for review denied

Request for judicial notice denied.

**S123907**B166142 Second Appellate District,  
Division Three

PEOPLE v. ANDREWS

Petition for review denied

**S123915**G032158 Fourth Appellate District,  
Division Three

PEOPLE v. SEDILLO

Petition for review denied

**S123921**

F043188 Fifth Appellate District

PEOPLE v. BALLADARES

Petition for review denied

Baxter, J., was recused and did not participate.

**S123935**B162164 Second Appellate District,  
Division Five

PEOPLE v. PESCADOR

Petition for review denied

**S123957**

C044894 Third Appellate District

BROWN v. S.C. (CYCLON)

Petition for review denied

**S123964**

B165637 Second Appellate District,  
Division Three

PEOPLE v. GONZALEZ  
Petition for review denied

**S123965**

A106083 First Appellate District,  
Division Four

DAWSON v. S.C. (PEOPLE)  
Petition for review and application for stay denied

**S123966**

B168811 Second Appellate District,  
Division Three

PEOPLE v. WADE  
Petition for review denied

**S123968**

A099937 First Appellate District,  
Division One

PEOPLE v. DAWKINS  
Petition for review denied

**S123969**

F041517 Fifth Appellate District

PEOPLE v. DOMINGUEZ  
Petition for review denied

**S123970**

B166885 Second Appellate District,  
Division Two

PEOPLE v. GILES  
Petition for review denied

**S123971**

H025581 Sixth Appellate District

PEOPLE v. TANG  
Petition for review denied

**S123973**

E033214 Fourth Appellate District,  
Division Two

PEOPLE v. LARA  
Petition for review denied

**S123978**

H025125 Sixth Appellate District

PEOPLE v. OBUJEN  
Petition for review denied

**S123983**

H025077 Sixth Appellate District

PEOPLE v. PALACIOS  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S123984**D042035 Fourth Appellate District,  
Division One

PEOPLE v. CUTTS

Petition for review denied

**S123989**

F043083 Fifth Appellate District

PEOPLE v. ANDERSON

Petition for review denied

**S123993**

H024695 Sixth Appellate District

PEOPLE v. PEETS

Petition for review denied

**S124002**E035517 Fourth Appellate District,  
Division Two

RAMIREZ v. S.C. (PEOPLE)

Petition for review denied

**S124004**

H025945 Sixth Appellate District

PEOPLE v. HUERTA

Petition for review denied

**S124006**D042246 Fourth Appellate District,  
Division One

PEOPLE v. MONTGOMERY

Petition for review denied

**S124007**B166255 Second Appellate District,  
Division Three

N. (ARTURO), IN RE

Petition for review denied

**S124008**B166584 Second Appellate District,  
Division Five

PEOPLE v. GREENWOOD

Petition for review denied

**S124009**

H025858 Sixth Appellate District

PEOPLE v. SOLIS

Petition for review denied

**S124015**G031465 Fourth Appellate District,  
Division Three

PEOPLE v. NGUYEN

Petition for review denied

**S124017**B174031 Second Appellate District,  
Division Two

DIAMOND v. LOS ANGELES SUPERIOR COURT

Petition for review denied

**S124018**

E034809 Fourth Appellate District,  
Division Two

## BARBER v. TILLMAN

Petition for review denied

**S124020**

B166674 Second Appellate District,  
Division Two

## PEOPLE v. MARTINEZ

Petition for review denied

**S124024**

G029389 Fourth Appellate District,  
Division Three

## GOLDSCHMIDT v. WELLS FARGO BANK

Petition for review denied

Baxter, J., was recused and did not participate.

**S124027**

B165226 Second Appellate District,  
Division Five

## ZEPEDA v. CAMACHO

Petition for review denied

**S124028**

B162129 Second Appellate District,  
Division Eight

## PEOPLE v. SIMMONS

Petition for review denied

**S124029**

B161775 Second Appellate District,  
Division Seven

## POLLITT, MARRIAGE OF

Petition for review denied

**S124030**

C043494 Third Appellate District

## PEOPLE v. O'ROY

Petition for review denied

**S124031**

B166565 Second Appellate District,  
Division Eight

## PEOPLE v. MARTEL

Petition for review denied

**S124032**

E032237 Fourth Appellate District,  
Division Two

## PEOPLE v. CAMPOS

Petition for review denied

**S124035**

B159702 Second Appellate District,  
Division Seven

## PEOPLE v. OLIVEROS

Petition for review denied



**S124040**

B170171 Second Appellate District,  
Division Five

B. (JONATHAN), IN RE  
Petition for review denied

**S124043**

G031295 Fourth Appellate District,  
Division Three

PEOPLE v. CALUNGA  
Petition for review denied

**S124044**

B165124 Second Appellate District,  
Division Two

PEOPLE v. ALDRIDGE  
Petition for review denied

**S124050**

B163253 Second Appellate District,  
Division Three

PEOPLE v. MEKONNEN  
Petition for review denied

**S124052**

A105968 First Appellate District,  
Division Five

MANUEL v. S.C. (GUEVARRA)  
Petition for review denied

**S124053**

B165486 Second Appellate District,  
Division Four

PEOPLE v. DOMINGUEZ  
Petition for review denied

**S124054**

B164248 Second Appellate District,  
Division Two

PEOPLE v. GARCIA  
Petition for review denied

**S124055**

B164594 Second Appellate District,  
Division Three

PEOPLE v. BATES  
Petition for review denied

**S124056**

E033716 Fourth Appellate District,  
Division Two

PEOPLE v. IBARRA  
Petition for review denied

**S124058**

F041328 Fifth Appellate District

PEOPLE v. ANDREWS  
Petition for review denied

Baxter, J., was recused and did not participate.

**S124059**

G031666 Fourth Appellate District,  
Division Three

PEOPLE v. BILLA

Petition for review denied

**S124060**

B166637 Second Appellate District,  
Division Five

N., (RAYMOND), IN RE

Petition for review denied

**S124062**

D042541 Fourth Appellate District,  
Division One

KEARNEY v. S.C. (RAMONA UNIFIED SCH. DIST.)

Petition for review denied

**S124063**

A103140 First Appellate District,  
Division Three

PEOPLE v. OTT

Petition for review denied

**S124070**

D041752 Fourth Appellate District,  
Division One

SMITH v. SEENE

Petition for review denied

**S124074**

B162001 Second Appellate District,  
Division Six

PEOPLE v. RUGGE

Petition for review denied

**S124077**

B174166 Second Appellate District,  
Division Three

BLAKE v. S.C. (PEOPLE)

Petition for review denied

**S124079**

E033614 Fourth Appellate District,  
Division Two

CHINO LAND v. LEWIS INVESTMENT

Petition for review denied

**S124081**

A103197 First Appellate District,  
Division Four

S. (D.R.), IN RE

Petition for review denied

**S124084**

B173519 Second Appellate District,  
Division Three

V. (MICHAEL), IN RE

Petition for review denied

**S124086**

C042260 Third Appellate District

PEOPLE v. COOPER

Petition for review denied

**S124093**B162952 Second Appellate District,  
Division SevenMILLER v. UNIVERSITY OF SOUTHERN  
CALIFORNIA

Petition for review denied

**S124094**B165715 Second Appellate District,  
Division Eight

PEOPLE v. LOYA

Petition for review denied

**S124095**

F041629 Fifth Appellate District

PEOPLE v. WRIGHT

Petition for review denied

Baxter, J., was recused and did not participate.

**S124096**

C041095 Third Appellate District

PEOPLE v. NELSON

Petition for review denied

**S124099**B174172 Second Appellate District,  
Division Seven

AFWERKI v. S.C. (JUAREZ)

Petition for review denied

**S124100**B166372 Second Appellate District,  
Division Two

PEOPLE v. DELGADO

Petition for review denied

**S124102**E033484 Fourth Appellate District,  
Division Two

PEOPLE v. CARRASCO

Petition for review denied

**S124105**B166564 Second Appellate District,  
Division Seven

PEOPLE v. CAMPBELL

Petition for review denied

**S124110**B164704 Second Appellate District,  
Division Four

PEOPLE v. CORELLA

Petition for review denied

**S124116**

F042238 Fifth Appellate District

PEOPLE v. JOY

Petition for review denied

**S124165**B166402 Second Appellate District,  
Division Four

PEOPLE v. LUNA

Petition for review denied

**S124174**B156856 Second Appellate District,  
Division One

MOEHLMAN v. LOS ANGELES

Petition for review denied

**S124189**

F042213 Fifth Appellate District

PEOPLE v. AGUIRRE

Petition for review denied

**S124190**

H027269 Sixth Appellate District

BOB LYNCH FORD INC. v. PAULUS

Petition for review and application for stay denied

**S124216**B160107 Second Appellate District,  
Division Three

PEOPLE v. WYNN

Petition for review denied

**S124227**B160393 Second Appellate District,  
Division Two

BASHKIN v. CA 2/3

Petition for writ of mandate/prohibition denied

Request for judicial notice denied.

**S124326**B174352 Second Appellate District,  
Division Six

NBC v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., was recused and did not  
participate.**S124403**

WOODFORD v. CA 2/8 (LUNDY)

Petition for writ of mandate/prohibition &amp; stay denied

**S124536**B174445 Second Appellate District,  
Division Six

OATMAN v. S.C. (OATMAN)

Petition for review denied

**S124641**

B172491 Second Appellate District,  
Division Three

FIRST NORTH AMERICAN NATIONAL BANK v.  
S.C. (BROWN)

Petition for review and application for stay denied

**S124706**

B174940 Second Appellate District,  
Division Six

BEVRIDGE v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S124811**

B174301 Second Appellate District,  
Division One

IRVIN v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S112811**

WHITE (GREGORY ROSS) ON H.C.  
Petition for writ of habeas corpus denied

**S114267**

CLUTCHETTE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

**S116434**

GARCIA (CARLOS TOMAS) ON H.C.  
Petition for writ of habeas corpus denied

**S117373**

RIVAS (ROY C.) ON H.C.  
Petition for writ of habeas corpus denied

**S117469**

MYERS (RONDEL H.) ON H.C.  
Petition for writ of habeas corpus denied

**S117484**

ONTIVEROS (EDWARD G.) ON H.C.  
Petition for writ of habeas corpus denied

**S117595**

LAWSON (WAYNE) ON H.C.  
Petition for writ of habeas corpus denied

**S117933**

BAGNERISE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

**S118013**

DIGRAZIA (DOMINIC) ON H.C.  
Petition for writ of habeas corpus denied

**S118097**

WATSON (WALTER C.) ON H.C.  
Petition for writ of habeas corpus denied

**S118238**

KING (JAMES EDDIE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S118352**

QUINTEROS (MIGUEL) ON H.C.  
Petition for writ of habeas corpus denied

**S118548**

ROJO (AMADO AGUILAR) ON H.C.  
Petition for writ of habeas corpus denied

**S118600**

BEAUDOIN (GARY E.) ON H.C.  
Petition for writ of habeas corpus denied

**S118617**

JACKSON (DAVID W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S118620**

COTA (RUBEN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S118623**

SMITH (JOHNELL WYNE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S118633**

ESPARZA (FELIPE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S118644**

HARRIS (EARNEST S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S118645**

BROWN (JOEL) ON H.C.  
Petition for writ of habeas corpus denied

**S118719**

GUNN (JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S118724**

ZUASO (BOLIVAR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S118728**

CHAVEZ (ALBERT A.) ON H.C.  
Petition for writ of habeas corpus denied

**S118780**

TAKABAYASHI (TRACY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S118782**

POYNTER (ARTHUR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S118819**

HOLLOWAY (PURVIS) ON H.C.  
Petition for writ of habeas corpus denied

**S118830**

CORTEZ (HECTOR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S118918**

CLEVELAND (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

**S118950**

ROBERTS (MICHAEL L.) ON H.C.  
Petition for writ of habeas corpus denied

**S118953**

CONNSERO (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

**S118958**

HALL (NATHAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**S119167**

WEST (HENRY DANIEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Swain* (1949) 34 Cal.2d 300, 304.)

**S119168**

SAUNDERS (KENNETH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S119206**

HALL (NATHAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)



**S119461**

BROWN (JOEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S121620**

HAMPTON (DALE) ON H.C.  
Petition for writ of habeas corpus denied

**S122201**

MAYFIELD (WILLIAM B.) ON H.C.  
Petition for writ of habeas corpus & stay denied

Brown, J., was recused and did not participate.

**S122805**

ROBERTS (MICHAEL L.) ON H.C.  
Petition for writ of habeas corpus denied

**S123031**

BAGNERISE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

**S124387**

WESBECHER (PAUL A.) ON H.C.  
Petition for writ of habeas corpus denied

**S124608**

HUSSEY (PAUL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S124711**

BEVRIDGE (BURL EUGENE) ON H.C.  
Petition for writ of habeas corpus and stay denied

**S120587**

DIROSARIO v. AGUILAR  
Publication request denied (case closed)

**S121999**

D040767 Fourth Appellate District,  
Division One

ROMO v. AMEDEX INSURANCE CO.  
Publication request denied (case closed)

**S122324**

B164916 Second Appellate District,  
Division Three

H. (B.), IN RE

Publication request denied (case closed)

**S123097**

G031957 Fourth Appellate District,  
Division Three

S. (ASHLEY), IN RE

Publication request denied (case closed)

**S123185**

C040059 Third Appellate District

RICKABAUGH v. ALBRECHT

Publication request denied (case closed)

**S123206**

B161580 Second Appellate District,  
Division Eight

SEIGOSO v. CITY OF LOS ANGELES

Publication request denied (case closed)

**S123297**

C043167 Third Appellate District

LEA & CIBULA, MARRIAGE OF

Publication request denied (case closed)

**S123299**

G031538 Fourth Appellate District,  
Division Three

NGUYEN v. MISS VIETNAMESE UNIVERSE

Publication request denied (case closed)

**S123306**

B159589 Second Appellate District,  
B165926 Division Four

FISCHBACH v. TRUSTEES OF CAL STATE UNIV.

Publication request denied (case closed)

**S123339**

A100523 First Appellate District,  
Division Two

C. (J.), IN RE

Publication request denied (case closed)

**S123366**

D041348 Fourth Appellate District,  
Division One

LENOX v. FLAMINGO MOTORS INC.

Publication request denied (case closed)

**S123543**

F041705 Fifth Appellate District

TRUITT v. S.C. (ATWATER ELEMENTARY  
SCHOOL)

Publication request denied (case closed)

**S123734**

F041585 Fifth Appellate District

EDM INDUSTRIES INC. v. COUNTY OF KERN

Publication request denied (case closed)

**S123814**

F041502 Fifth Appellate District

ESRAELO v. CHAVEZ

Publication request denied (case closed)

Baxter, J., was recused and did not participate.

**S124362**

H026675 Sixth Appellate District

DIEGO v. S.C. (YOUNG)

Publication request denied (case closed)

**S019697**

PEOPLE v. WARD (CARMEN)

Extension of time granted

to July 14, 2004 to file appellant's reply brief. After that date, only one further extension totaling about ten additional days will be granted. Extension is granted based upon counsel Robert Franklin Howell's representation that he anticipates filing that brief by 7/24/2004.

**S035348**

PEOPLE v. SMITH (ROBERT L.)

Extension of time granted

to July 13, 2004 to file respondent's brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Dorian Jung's representation that she anticipates filing that brief by 10/15/2004.

**S114732**

BRISCOE (KHYLE A.) ON H.C.

Extension of time granted

to June 11, 2004 to file petitioner's reply to informal response.

**S116605**

NAKAHARA (EVAN T.) ON H.C.

Extension of time granted

to June 16, 2004 to file the reply to the informal response to the petition for writ of habeas

corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy State Public Defender Gary Garcia's representation that he anticipates filing that document by 8/15/2004.

**S118248**

TROWBRIDGE (FREDERICK R.) ON H.C.  
Extension of time granted

to June 13, 2004 for respondent to file the informal response.

**S119248**

CITY OF BURBANK v. STATE WATER  
RESOURCES CONTROL BOARD  
Extension of time granted

to June 25, 2004 for the parties to file their consolidated responses to the amicus curiae briefs.

**S119897**

B149092 Second Appellate District,  
Division Three

COALITION OF CONCERNED COMMUNITIES v.  
CITY OF LOS ANGELES (CATELLUS)  
Extension of time granted

to June 25, 2004, for appellant to serve and file a single combined reply brief on the merits not to exceed 6,000 words.

**S121562**

VEASLEY (CHAUNCEY) ON H.C.  
Extension of time granted

to June 18, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days are contemplated. Extension is granted based upon counsel David Joseph Macher's representation that he anticipates filing that brief by 8/17/2004.

**S111585**

B158391 Second Appellate District,  
Division Seven

ROJAS v. S.C. (COFFIN)  
Orders filed (2)

- (1) permission granted for two counsel to present oral argument for real parties in interest.
- (2) request granted for division of real parties in interests' oral argument time: 20 minutes to Robert Risbrough for RPI Coffin and 10 min to Mark Herskovitz for RPI Deco Construction.

**S120474**

E031426 Fourth Appellate District,  
Division Two

PEOPLE v. AMERICAN CONTRACTORS  
INDEMNITY COMPANY  
Orders filed (2)

- (1) Permission granted for two counsel to present oral argument for respondent.
- (2) permission granted for respondent to allocate 10 minutes of oral argument time to amicus curiae Calif. State Association of Counties.

**S122865**

LEWIS v. ALFARO  
Order filed

The renewed motion to intervene filed on May 19, 2004, on behalf of a group of California Legislators is denied, the court having denied all motions to intervene both on behalf of petitioners and respondents in this case and in *Lockyer v. City and County of San Francisco* (S122923). The court's ruling is without prejudice to the California Legislators' requesting and obtaining permission from petitioners in this case to divide the time allotted to petitioners so as to cede a portion of their time to the California Legislators.

**S104452**

HARTLEY ON DISCIPLNE  
Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the

above entitled matter is lifted, and **JOSEPH MARIOTT HARTLEY, State Bar No. 97610**, must be actually suspended from the practice of law for one year. Credit toward the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on February 7, 2004 (Business & Professions Code section 6007(d)(3)). It is also ordered that **Joseph Mariott Hartley** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S106180**

CHATTERJEE ON DISCIPLINE

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **ELLA S. CHATTERJEE, State Bar No. 149923**, must be actually suspended from the practice of law for six months, to run concurrently with the suspension period in Case No. 02-N-15505. Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.

**S122784**

LEVY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MARVIN LEVY, State Bar No. 101042**, be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing

Department of the State Bar Court in its Order Approving Stipulation filed on January 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for years 2005, 2006 and 2007. (Business & Professions Code section 6086.10.)

**S122786**

NELSON ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **JEFFREY A. NELSON, State Bar No. 74834**, be suspended from the practice of law for two years and until he makes restitution to Linneman Burgess (or the Client Security Fund, if appropriate) in the amount of \$5,000.00, plus 10% interest per annum from June 24, 2001, and furnishes satisfactory proof thereof to the State Bar's Office of Probation unit in Los Angeles, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 6 months and until he has made the restitution described above, and furnish proof thereof to the State Bar's Office of Probation. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 5, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension or within one year from the effective date of the discipline herein, whichever period is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent remains actually suspended for two years or more, he must remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant

to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for years 2005 and 2006. (Business and Professions Code section 6086.10.)

**S122919****SHADDUCK ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MARIANNE ELIZABETH SHADDUCK, State Bar No. 145961**, be suspended from the practice of law for 18 months, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 60 days. **Marianne Elizabeth Shadduck** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed January 8, 2004. Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S122920****COMISKY ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **HUGH E. COMISKY, JR., State Bar No. 52292**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 6, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.



**S123034****CHATTERJEE ON DISCIPLINE**  
Recommended discipline imposed

It is ordered that **ELLA S. CHATTERJEE, State Bar No. 149923**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 15, 2004. The period of actual suspension must run concurrently with the suspension period in Case No. 03-PM-00468. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for years 2005, 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S123036****CLINNIN ON DISCIPLINE**  
Recommended discipline imposed

It is ordered that **MARK GREGORY CLINNIN, State Bar No. 134075**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 20, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective

date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

**S123037**

FEDOROWSKY ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **JOSEPH FEDOROWSKY, State Bar No. 133200**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 15, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S123612**

ARMITAGE ON RESIGNATION  
Resignation accepted with disc. proceeding pending

The voluntary resignation of **ERIC R. ARMITAGE, State Bar No. 85394**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this

order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124292**

**GONZALEZ ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **ALFONSO ZUNIGA GONZALEZ, State Bar No. 33140**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124617**

**BEESEY ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **R. MARK BEESEY, State Bar No. 135011**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124620**

**DAVIS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JAMES STEVEN DAVIS, State Bar No. 112906**, as a member of

the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124621**

**ELINSKI ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **RICHARD MICHAEL ELINSKI, State Bar No. 112892**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124625**

**FEINBERG ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **RICHARD N. FEINBERG, State Bar No. 134477**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30

and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S124630**

AMOROSO ON RESIGNATION

The voluntary resignation of **Camilla Joan Amoroso, State Bar No. 171370**, as a member of the State Bar of California is accepted.

**S124631**

FRASIER ON RESIGNATION

The voluntary resignation of **B. Roland Frasier, III, State Bar No. 147260**, as a member of the State Bar of California is accepted.

**S124632**

MILLER ON RESIGNATION

The voluntary resignation of **Elise M. Miller, State Bar No. 192554**, as a member of the State Bar of California is accepted.

**S124633**

WARSH ON RESIGNATION

The voluntary resignation of **Kenneth Lee Warsh, State Bar No. 118454**, as a member of the State Bar of California is accepted.

